

COUNTY OF KAUA'I
Minutes of Meeting
OPEN SESSION

Approved as amended 2/26/18

Board/Commission:		CHARTER REVIEW COMMISSION		Meeting Date		January 22, 2018		
Location		Mo’ikeha Building, Meeting Room 2A/2B			Start of Meeting: 4:00 p.m.		End of Meeting: 4:45 p.m.	
Present		Chair Carol Suzawa; Vice Chair Jan TenBruggencate; Members: Virginia Kapali, Galen Nakamura (<i>entered at 4:08 p.m.</i>), Ricky Watanabe, and Marissa Sandblom Also: Deputy County Attorney Adam Roversi; Boards & Commissions Office Staff: Administrative Specialist Lani Agoot, Administrator Paula M. Morikami						
Excused								
Absent								
SUBJECT		DISCUSSION				ACTION		
		Prior to the start of the meeting, Administrative Assistant to the County Clerk Eddie Topenio gave the Oath of Office to reappointed Commissioner Marissa Sandblom.						
Call To Order						Ms. Suzawa called the meeting to order at 4:00 p.m. with 5 Commissioners present. Vice Chair TenBruggencate moved to amend the agenda to accept a motion regarding the scheduling of meetings. Mr. Watanabe seconded the motion. Motion carried 5:0.		
Communications		There were no Communications.						
Approval of Minutes		<u>Meeting Minutes of December 18, 2017</u> Vice Chair TenBruggencate noted two (2) typographical errors; one, on page 4 – change the word "inaction" to "enaction"; and two, on page 5 – change the name "Ka’ania" to "Ka’aina."				Vice Chair TenBruggencate moved to approve the minutes as amended. Mr. Watanabe seconded the motion. Motion carried 5:0. Mr. Watanabe moved to change the		

SUBJECT	DISCUSSION	ACTION
		Commission's meeting start time from 4:00 p.m. to 3:00 p.m. Vice Chair TenBruggencate seconded the motion. Motion carried 5:0.
Business	<p><u>CRC 2017–05 Proposed Charter Amendment to Remove the Zoning Board of Appeals (Article XIV, Subsection 14.12 – 14.14) (deferred 10/23/17, 11/27/17, 12/18/17)</u></p> <p>Deputy County Attorney Adam Roversi provided that the item was deferred at the December meeting so that Planning Director Michael Dahilig could be present to speak on the agenda item.</p>	Vice Chair TenBruggencate moved to defer CRC 2017–05 to the next meeting due to Mr. Dahilig's absence. Mr. Watanabe seconded the motion. Motion carried 5:0.
	<p><u>CRC 2017–08 Proposed Charter Amendment to Amend Article XIX, Financial Procedures, Section 19.15(C) by adding language to include corresponding maintenance of those lands or property entitlements (deferred 11/27/17, 12/18/17)</u></p> <p>Vice Chair TenBruggencate stated that he was informed by the Office of Boards and Commissions that Deputy Planning Director Ka‘aina Hull did not have a chance to confer with the Open Space Commission on the proposed amendment.</p>	Vice Chair TenBruggencate moved to defer CRC 2017–08 to the next meeting. Mr. Watanabe seconded the motion. Motion carried 5:0.
	<p><u>CRC 2017–13 Proposed Charter Amendment allowing the Salary Commission complete authority to establish the salaries of all elected and appointed officials</u></p> <p>Vice Chair TenBruggencate stated that the item was referred to</p>	

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	<p>Commissioner Galen Nakamura to consult with the County Attorney. Because Mr. Nakamura had not yet arrived, he suggested taking the item later in the agenda once Mr. Nakamura was present.</p>	
	<p><u>CRC 2017–10 Proposed Charter Amendment to Article III, County Council, Section 3.03 relating to terms (deferred 11/27/17, 12/18/17)</u> <u>Four (4) Councilmembers serve two (2) four–year terms full time (staggered), and three (3) Councilmembers serve two (2) two–year terms part time</u></p> <p>Vice Chair TenBruggencate stated that he supported the motion, and that the proposal was sufficiently complex, confusing, and would create two (2) classes of County Councilmembers.</p> <p>Mr. Roversi stated that according to Robert's Rules of Order, there was no such thing as "receiving for the record" in order to kill an item. He advised the Commission to make a straightforward motion, such as "move to not recommend the proposal for the 2018 ballot."</p> <p>Mr. Nakamura entered the meeting at 4:08 p.m.</p>	<p>Ms. Kapali moved to receive CRC 2017–10. Mr. Watanabe seconded the motion.</p> <p>Ms. Kapali withdrew her motion.</p> <p>Mr. Watanabe withdrew his second.</p> <p>Ms. Kapali moved to not recommend CRC 2017–10 for the 2018 ballot. Mr. Watanabe seconded the motion. Motion carried 5:0.</p>
	<p>The Commission returned to agenda item CRC 2017–13. Mr. Nakamura stated that the proposal was to amend the Charter to vest the</p>	

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	<p>authority to set the salaries of elected and appointed officials solely with the Salary Commission. He said pay inversion and subordinates earning more than department heads and deputy department heads exists, and that there wasn't sufficient incentive for subordinates to step up and become a department head or deputy department head. Mr. Nakamura stated that the goal was to attract and maintain highly qualified individuals in the elected and appointed positions. He said when a proposed salary resolution was entertained by the County Council, it ran into a political dynamic, and added that the proposed amendment to set salaries by a non-elected, citizen-appointed body allowed for discussion and deliberation. Mr. Nakamura suggested inviting the Salary Commission to the next meeting to answer questions and provide testimony on the proposed Charter amendment.</p> <p>Mr. Watanabe provided that in the past, the resolution process went to the Salary Commission as a way to try and remove some of the politics involved. He agreed with the new proposal, adding that he thought section 29.5 of the existing Charter needed to be included because it stated that Councilmembers could not change their salaries while still in office. He said if the language was included in the new proposal, it would even things out politically.</p> <p>Ms. Sandblom stated that her concern was with regard to having a salary range versus set salaries, and that the Salary Commission could set salaries that the County was unable to fund. She said a salary range would provide the County flexibility.</p> <p>Administrator Paula M. Morikami provided that the Salary Commission sets the maximum salary cap, and that Kaua'i County was the only county that didn't have fixed salaries. Ms. Sandblom asked if the proposed amendment would set the salaries or a maximum cap to which Ms. Morikami said that</p>	

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	<p>was for the Commission to discuss.</p> <p>Vice Chair TenBruggencate asked Ms. Morikami if she knew what Honolulu's process was to which she replied they<u>that</u> the County<u>City</u> Council sets the salaries for elected and appointed officials and sends their salary resolutions to the County<u>City</u> Council.</p> <p>Vice Chair TenBruggencate asked if the Salary Commission was currently empaneled to which Ms. Morikami said the Salary Commission currently had four (4) members out of seven (7). Vice Chair TenBruggencate requested the Salary Commission members be present at the next Charter Review Commission meeting. Ms. Morikami said she would invite the Salary Commission on behalf of the Charter Review Commission.</p> <p>Vice Chair TenBruggencate suggested Mr. Nakamura and Mr. Roversi continue their work on the proposed amendment and provide the Commission a draft proposal at the next meeting to which the Commissioners agreed.</p> <p>Chair Suzawa stated that section 13(b) of the Hawai'i County Charter provided for the Director of Human Resources to serve as an ex-officio officer on the Salary Commission. Ms. Morikami provided that the Salary Commission relied heavily on the Department of Human Resources, and that each year the Salary Commission requested an update of the salaries of all the counties and when the increases took place. Chair Suzawa added that having the provision in writing would force the hand rather than having to request the information. Ms. Kapali agreed, saying that she served on the Salary Commission in the past and the Director of Personnel was at every meeting to advise the Commission.</p>	

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	Ms. Kapali stated that, to her, it was not clear in the Charter that the Salary Commission determined the salaries for deputy department heads. She then questioned why the Salary Commission's list of elected and appointed officials didn't include the department heads of Transportation and the Agency on Elderly Affairs because they were also appointed officials. Ms. Morikami said that it was her understanding that those agencies were created by ordinance; however, she was not sure why those positions were not included in the list. Vice Chair TenBruggencate said he would defer to the attorney but because they were appointed officers, they should be included, even if they were established by ordinance.	Vice Chair TenBruggencate moved to defer CRC 2017-13 to the next meeting, that Mr. Nakamura consult with the County Attorney's Office on language for the proposed Charter amendment, and that the Office of Boards and Commissions invite the Salary Commission to attend the next meeting. Mr. Watanabe seconded the motion. Motion carried 6:0.
Executive Session		Ms. Kapali moved to go into Executive Session at 4:30 p.m. Ms. Sandblom seconded the motion. Motion carried 6:0.
Return to Open Session	<u>Ratify Commission actions taken in Executive Session for items ES-001, ES-002, ES-003, and ES-004</u>	The Commission resumed in Open Session at 4:44 p.m. Vice Chair TenBruggencate moved to ratify the actions taken in Executive Session. Ms. Kapali seconded the motion. Motion carried 6:0.
Announcements	<u>Next Meeting: Monday, February 26, 2018, 3:00 p.m., in the Mo'ikeha Building, Meeting Room 2 A/B</u>	

SUBJECT	DISCUSSION	ACTION
Adjournment		Chair Suzawa adjourned the meeting at 4:45 p.m.

Submitted by: _____
Lani Agoot, Administrative Specialist

Reviewed and Approved by: _____
Carol Suzawa, Chair

() Approved as circulated.

() Approved with amendments. See minutes of _____ meeting.